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US 10/561,836 (D120100115)
Reply to the 09/25/09 Office Action
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DATA DISTRIBUTING MACHINE WITH CONTROLLED ATMOSPHERE

ANSWER TO THE OFFICE ACTION MAILED ON 09/25/2009

- 5 **Paragraph 2 : Means of writing and extraction are not disclosed or described in the spécification.**

First : incomprehension of sentences

- 10 I do not understand sentences of this paragraph.

"The specification shall include description of structure in a means-plus function. The applicant is advised to amend means claims followed by a function and include structure for each individual means plus function claim in the specification".

- 15 What is a "structure", a "means-plus function", and "claims followed by a function" ?

Second : total respect of 35 USC 112

- 20 For the means for writing, as I have told in my email, I do not have described the means of writing of the optical discs, because it is means of the former art

In the attached PCT Written Opinion it is done reference to the French patent 93 13015, N° of publication 2712104 A, Christian CHABRERIE, 12 May 1995, which describes a data

- 25 Distributing-Machine with means of writing.
I suppose they are same patents in US patents, because in these years around 1990 there was a great creativity in this technical domain.

Probably you have selected too recent patents in your Notice of References Cited.

- 30 But, I had been pleasantly surprised by US patent 7,438,184, Thompson, "Controlled-environnement package for limited-play optical disc", and I thank you for (please, see Paragraph 4 - Historical).

- 35 In my application, there is a means for writing in a tight enclosure, or gloves box.

- It is the same means for writing than the one of Christian CHABRERIE, a banal optical discs engraver, and one skilled in the gloves box art (35 USC 112 : "...and exact term as to enable skilled in the art to which it pertains,...") can put a such means for writing in a gloves box without difficulty.

- 40 For the means for extraction, I have described a very simplest, but very efficient means for extraction, a cutter handled through the gloves of the gloves box.
One read, page 2, line 24 :

- 45 a means for extraction 7 of the virgin sensitive discs 3 of their packing 4, collective or individual, for example airtight gloves 7a accessible from the outside of enclosure 1 and making it possible to handle simple tool 8 located in the enclosure, for example a cutter;

- 50 I think that it is obvious that one skilled in the art of gloves box is able to make and use perfectly this means for extraction.

- It was, of course, possible to describe a more sophisticated and automatic means for extraction, but this is not the center of the invention, because the virgin sensitive discs can be without individual bags in collective container, as it is described also, "Seconde préferred realization", and "Troisième préferred realization".

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The delivery of virgin sensitive discs in a collective container is certainly more practical and economical than in individual bags.

5 The only avantage of individual bag is the possibility to reuse these bags for get out sensitive written discs from the gloves box, or put these virgin sensitive optical discs in their thigh bags, one by one in the glove box.

10 I think that a cutter handled through gloves is the best mode to extract virgin sensitive optical disc from its bag, when it is individually packaged.

This means solves the problem of the extraction with a great variety of bags or envelopes.

15 For solve this problem with automatic machine, it is necessary to have a great number of automatic functioning devices suitable for each envelop or bag.

This is not the object of the invention.

20 35 USC 112 : "...to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

I keep this means as the best mode contemplated by the inventor, in this little element of the invention, even if the use of a cutter can appear far-fetched.

25 So, I respectfully think that I respect scrupulously the rule 112 of the 35 USC.

Paragraph 4 : It is not clear what "virgin sensitive" means with regard to the optical disc.

30 Appropriate definition is required.

To answer to this request, I add "; they are sensitive optical discs" at the end of the paragraph FORMER STATE OF THE ART in the description, page 1.

35 FORMER STATE OF THE ART One knows that there are optical discs of which matter is subjected to change of colouring under the influence of oxygen and/or the light, making them unsuitable with the reading at the end of a definite time, and/or a definite number of readings (apart from an accidental exposure to the light); they are sensitive optical discs.

40 On this way, the exact nature of the sensitive disk is given in the beginning of the description, without need of independent definition.

The term "sensitive" is the central qualifying of these optical discs.

45 In all the text, description and claims, the expression "sensitive optical disc" is used and underlined "sensitive optical disc" to replace expressions with "disc", or the term "sensitive" is added and underlined sensitive.

50 I think that it is so not any ambiguity about these particular disks of the former art, whose I am not the inventor and which I do not claim as my invention.

Historical - There is a long time ago, the firm Walt Disney, who wanted hire DVD of its production, and does not have the problems and costs of the returns, imagined these DVD self erasable, and asked to General Electric to make them.

55 In fact, these Disney DVD did not have success.

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In France, in the years 1990, the great market CARREFOUR, sent (or hires ?) DVD of this type, but also without success.

5 I think that it is an ambiguity about the commercial, or even the philosophical nature, of these self erasable DVD.

10 The DVD "hired without return" must be less costly than DVD sent, but, in fact, there are the same product, because the possibility to load them on its own mass memories, as hard disks or optical disks.

This was commercially incoherent.

15 Perhaps, there were prohibital defects also.

15 The case of the "hiring witout return" by an automatic and independent data distributing-machine is different, because with a distributing-machine there is an Insoluble practical commercial problem with return of the data supports.

20 The Thomson US Patent 7,438,184, is very plaisant because it shows that the problem of the self-erasable optical discs is always current.

25 Of course, the technic of this patent is different of the technique of my application, because the disc is not sensible to the oxygen, but to the combination of elements contained in the thight bag of the disc.

This old technic was not reliable, and I think that this new product is more efficient than the former, and perhaps more reliable; reliability being, I think, the weak point of this technic.

30 A true problem of this technic is the presence of reactiv substances potentially more dangerous than substances only sensible to oxygen.

35 In an other hand, it is not possible to feed Data Distributing Machine with sensitive optical disc of Thomson without their tight bags, because these tight bags are fundamental physical constituent of sensitive optical disk, to retain the two chemical constituents.

Paragraph 5 : replacement of "means of" by "means for".

40 In all the text, description and claims, the word "of" will be replaced by the word "for", and

the words "means for" will be underlined : "means for".
(Thank you for this spelling lesson...)

45 Paragraphs 6-7 : unpatentable over Zaniboni (US 5816028).

7 "Regarding Claims 1-8, Zaniboni shows all claimed features in Figures 1-9, but does not show an airlock.

50 It would be obvious to one in the art to include an airlock as a well known structure to prevent the contamination of the discs."

Not only I have carrefully had a close look at Zaniboni's Figures 1-9, but more, I have carrefully read the text of the patent.

55 In these figures and in this text, one does not see :
a mass memory,

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a means for selection of data of this mass memory,
 a means to write the selected data on data independent supports,
 a means for availability of the data independent support containing the selected data.

- 5 One can deduce that the Zaniboni's machine is not a **data distributing machine**, but only
material objects distributing machine.

Of course, one does not see in the Zaniboni's machine the improvements of the DATA
 DISTRIBUTING-MACHINE WITH CONTROLLED ATMOSPHERE of the present Application
 10/561,836, particularly an airtight enclosure, or gloves box.

The applicant respectfully gives the WRITTEN OPINION OF THE ADMINISTRATION IN
 CHARGE OF THE INTERNATIONAL RESEARCH.

- 15 Unfortunately the French application 93 13015, 12 May 1995, of Mr Christian CHABRERIE
 is not translated in English, but it is possible to do that if it is necessary.

I translate here the abstract :

- 20 (54) *Data supports distributing and/or modifying machine*
 (57) *The invention concerns a device allowing, under request of the user, the
 Distribution and/or the Modification of one or several data supports.*

*The machine complying with the invention is characterized in that it includes a
 central unit device and mass memory, a device for writing and possibly for reading of
 data supports, a device allowing the handling of the data supports during their transit
 in the machine and a device for keyboarding of the request.*

*Furthermore, the machine can include un device for payment, un device for dialogue
 from a distance with the machine, a device for visualisation of the progress of the
 process, a device for advertising on the point of sale, a device for edition of invoice, a
 device for edition of label and a device for the cancellation of the current request.*

*The machine according to the invention is particularly intended to the data support
 of the floppy disks type, CD-ROM-WORM or games cartridges type.*

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